

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

ROBERT CARBONELL,

Defendant.

OPINION & ORDER

18 Cr. 648 (ER)

RAMOS, D.J.:

Robert Carbonell is currently serving a 72-month sentence at FCI Schuylkill, a medium security prison in Pennsylvania. Before the Court is a *pro se* motion for his compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). Doc. 42. The motion was submitted by Gerard Hayes, Carbonell's stepfather who is not an attorney. However, parties cannot be represented by a person who is not an attorney, even when that person is a family member. *See Southerland v. Garcia*, 483 F. App'x 606, 607 (2d Cir. 2012); *Tindall v. Poultney High Sch. Dist.*, 414 F.3d 281, 284 (2d Cir. 2005). Therefore, Carbonell is directed to file his own motion for compassionate release or to file an affidavit adopting Hayes' motion as his own.

The Clerk of Court is respectfully directed to terminate the motion, docket number 42.

It is SO ORDERED.

Dated: November 1, 2021.

New York, New York



EDGARDO RAMOS, U.S.D.J.